

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**In Re: RFC and RESCAP Liquidating
Trust Actions**

Civil File No. 13-3451 (SRN/HB)

***Addendum to Deposition Protocol*
(PRETRIAL ORDER NO. 13)**

This Order relates to all actions

Phase II Defendant-Specific Rule 30(b)(6) Depositions

A. Each Defendant shall, in accordance with the timetable set below, serve on Plaintiffs the following submission regarding its proposed Phase II 30(b)(6) Defendant-specific deposition testimony including:

1. A Formal Deposition Notice setting forth a list of narrowly tailored defendant-specific deposition topics (the “Formal Deposition Notice”)
 - a. The Formal Deposition Notice may only contain Defendant-specific topics and may not include any topics that would have been proper as Phase I 30(b)(6) topics;
 - b. The Formal Deposition Notice must contain a reasonable estimate of the duration of such a deposition; and
 - c. Defendants are encouraged to work together and propose a series of “common Defendant-specific topics” and a common

subject matter witness for each such topic (e.g., a witness on “repurchase” or “loan acquisition” who would be prepared, as a 30(b)(6) witness, to address that issue in a number of defendant-specific contexts).

2. Proposals in Lieu of Phase II 30(b)(6) Deposition Testimony (proposals that would replace the need for any such testimony or testimony on certain of the topics identified in the Formal Deposition Notice):
 - a. Proposed Fact Testimony to be Designated as Phase II 30(b)(6) testimony
 - i. This testimony must be proper 30(b)(6) testimony;
 - ii. This testimony must be organized by topic identified in the Formal Deposition Notice; and
 - iii. This topic specific designation must include the number of pages of such testimony so designated.
 - b. Stipulations of Fact
 - i. These proposed stipulated facts must be organized by topics contained in the Formal Deposition Notice; and
 - ii. These proposed stipulated facts must be amenable to being read to a jury or the Court at trial.
 - c. Proposed Fact Deposition Testimony to be Designated at Trial

As Fact Testimony of a Witness

i. Such a designation will be considered by the Court at trial and will only be permitted if the witness is unavailable or outside the subpoena power of the Court.

3. Timetable for Mandatory Phase II 30(b)(6) submissions, meet and confers and presentation to the Court, if necessary.

- a. All Defendants, who have already participated in a Court-ordered mediation and such mediation was not successful, must serve Plaintiffs with this submission within two weeks of the date of this Order;
- b. All Defendants, who have not yet participated in a Court-ordered mediation, may serve Plaintiffs with this submission within two weeks of the date of this Order or may choose to wait to make this submission until two weeks after an unsuccessful Court-ordered mediation.

B. Plaintiffs shall respond as follows:

1. Plaintiffs must provide a reasonably detailed response to each submission with any objections or new proposals within three weeks thereafter; and
2. The parties must then schedule a meet and confer to take place within two weeks of the Plaintiffs' responsive submission and present any

differences to the Court no later than the next regularly scheduled status conference.

Dated: July 27, 2016

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge